

G. R. S. 58]

Previous references.

(1923
Courts)

File No. 64-23

Serial Nos. 1-2

Later references.

No 29-25 (1-2)

P 30

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

✓

Part B for January 25

SUBJECT

Abolition of the criminal witness register now.
and consequential changes in certain other registers
and statements

G.O. No. P-3936-44 of 28-1-25

To the Mr. Chief Clerk
Dins of District

Sanctioned

Mamaswamy Lingam
4/2/25

B170

1923-4

GENERAL AND REVENUE SECRETARIAT.

(15)

NOTES.

File No. 64-23

FILE HEADING.

Abolition of Criminal witness Register no IV

From

The Regt. Chief Const

C No. 253

Dated 16-8-23

Received 18-8-23

Diary No. 802

Enclos. 2 Spare Copies.

Serial No. 1

BRIEF ABSTRACT OF LETTER.

Recommends that the Criminal witness Regt. no 4 register be abolished and certain other changes may be made with these registers and that the accompanying addenda et corrigenda making the changes be sanctioned.

NOTES AND ORDERS.

Subd

The Chief Const. himself admits that the Criminal witness Register is still serving some purpose. It is proposed to make certain other changes in two other registers so that

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No.

the advantages of the may not be lost.

The Register Criminal Witness Register no 10, has been in force for a long time and is well known and easy to be filled up. (sample)

2. The defect pointed out in a witness attending half a dozen times, being shown as 6 witnesses appearing a person has not been remedied by the ~~the~~ proposed changes. The same calculation has to be made for filling up the columns in the other ~~change~~ Registers.

The proposed amendments increase the columns in the Registers. There is not much saving of space. On the other hand there is

likely to be confusion in filling up the Registers if ~~over multiplied~~ the columns are multiplied.

4. Besides, the present Register no 10, gives certain other useful information. The magistrate has to ^{note} ~~fill~~ explanation as to why a witness has not been examined. This is a check over the magistrate and witnesses cannot be asked to come day after day without being examined. Hence the possibility of a witness being counted as 6 or 7 witnesses pointed out above, is minimised.

5. Immediately there is a large number of forms Registers with changed columns and waste of existing Registers. The arguments do not seem to be very convincing. ^{not} for orders

Serial
No.

(1) This is a matter in which the opinion of all the ^{Dist.} magistrates and Sessions Judges seems to be necessary before passing final orders. The Chief Comm may perhaps be asked to obtain the opinions & submit.

Chief -

1st member

10/6
20/11

28/11

8/1

20/11

20/11

The proposal of the Chief Comm may be accepted.

21/12
22/12
22/12

2.2.10 P.M.
18/11
26.11

Chief

28/11
16/1

appd

28/11

19/1

28/11
19.1

7585

802
P.
CHIEF COURT OF MYSORE

Telegraphic Address. "JUSTICE"

Bangalore, dated 15th August 1923.
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U564-23-1

C No. 253
23-24

FROM

A. SREENIVASARAGAVACHARI, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

117 AUG 1923

To

K.V. Anantharaman Esqr, B.A.,
Secretary to Government,

General Department, Bangalore.

SIR,

I am directed to state that during the recent inspection tour of Mr. Justice B. Subbanna in the Chitaldrug District, representations were made to him, both at Davangere and Chitaldrug that criminal Witness Register No.4 might be abolished in accordance with the present practice in Civil Courts.

2. This register, I am to observe, was originally introduced by the Judicial Commissioner of Mysore and Coorg under R.P. No.5 (Criminal) dated the 12th June 1878 and appears to have been intended as a sort of check to ensure that witnesses were promptly examined on the date they appeared in Court and were ^{not} unnecessarily detained. It now serves another purpose, viz., to give the information required for compiling columns 19 and 20 of Criminal Quarterly Statement No.II and column 11 of Annual Statement No.4; but the two statements as a matter of fact do not correspond for while the annual statement requires only the number of witnesses examined, the quarterly statement requires information in regard to the number of witnesses detained beyond four days as well, out of those examined. The quarterly statement was revised (more or less on the lines in force in Madras) by Corrigendum dated 17th December 1919 to Rule of Practice No.4 dated 31st May 1878, while the annual statement appears to have been retained in its original shape.

3. So far as the Chief Court is aware, no separate Criminal Witness Register is prescribed in any of the Provinces in British India nor in the Civil and Military Station, Bangalore and the usefulness of a separate register is open to question. The entries in the register are not accurate, but actually misleading and a witness who is once discharged without examination, but subsequently appears at an adjourned hearing, is in practice, known as a fresh witness; in other words, if a single witness appears in the same case, say, half a dozen times, he is shown as half a dozen witnesses appearing a single time. On the civil side a practically similar register (Register No.IV) which was also introduced by the Judicial Commissioner under D.P. No.2 (civil) dated 12th June 1876, was abolished since it served no useful purpose and the figures given therein were entirely misleading (Memo G.O. No.J.3846/Cts. 324-C8-4 dated 12th June 1909 and No.J. 1081/Cts. 31-C9-4 dated 6th October 1909).

4. In order, however, that the Chief Court may be in a position to see ^{that} ~~these~~ Magistrates and Sessions Judges do not unduly detain witnesses, it is proposed (in accordance with the prevailing practice in Madras) to add two new columns to Criminal Register No.1 as column No.18 (number of witnesses examined) and column No.19 (detained beyond three days), the present columns Nos. 18, 19 and 20 being re-numbered as 20 and 21 and 22, similar columns being added to Register No.7.

5. It is not proposed to make any change in Annual Judicial Statement No.IV column 11 of which corresponds to column 17 of Imperial Statement No.IV in British India, the information given in column 20 of Quarterly statement No.2 being sufficient for purposes of scrutiny and supervision on the part of the Chief Court. As, however, it is considered that detention of witnesses even up to 3 days should be avoided as much as possible, it is proposed to reduce the number of days shown in column 20 of

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the Quarterly Statement No. II from 4 to 3 days.

6. I am, in the circumstances, to request that Government may be pleased to accord their sanction to the accompanying addenda-et-corrigenda to the several Rules of Practice prescribing the original Registers and Statements.

I have the honor to be,

Sir,

Your most obedient servant,

Ahemis Adogwiche
16/8/23
Registrar.

AK

V.A.N.

IN THE CHIEF COURT OF MYSORE AT BANGALORE. 6

Criminal Side.

Addendum ~~et~~ Corrigendum dated the day of
1926 to Criminal Rule of Practice No.5 dated the 12th June 1878.

1. The Chief Court directs that:- 1. Register No.IV (of witnesses) prescribed in the said Rule of Practice be abolished.
 2. In Register No.I two new columns 18 "number of witnesses examined" and 19 "number of witnesses detained beyond three days out of those examined" be opened and the present columns 18, 19 and 20 renumbered as 20, 21 and 22, respectively; and
 3. In Register No.V two new columns 14 " Number of witnesses Examined " and 15 " Number of witnesses detained beyond three days out of those examined " be opened and the present columns 14 and 15 be renumbered as 16 and 17 respectively.
 4. The information required ^{for} ~~of~~ filling up the new columns 18 & 19 in Register No.I, columns 14 and 15 in Register No.V and columns 19 and 20 of Quarterly Statement No.2, should be obtained from the order sheet of cases and the Diary, the entries in which should give sufficient details regarding the number of ~~witnesses~~ witnesses that appeared and were examined, discharged or detained.
- // Criminal Circular letters Nos. 105, 127, 132 and 162 dated 21st June 1892, 14th March 1895, 20th March 1897 and 25th March 1905 respectively are cancelled.

Theunisahopu
R e g i s t r a r .

V.A.N.

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IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Criminal Side.

Corrigendum dated day of 1925 to Rule
of Practice No.4 dated 31st May 1878 as amended by
Corrigendum dated 17th December 1919.

The Chief Court directs that in column 20 of the
revised Quarterly Statement No.2 the words "three days"
be substituted for "four days."

Heensahapathi

Registrar.

SUBJECT:.....

Diary No. of letter replied to.....

Section *cl*

File No. 64-13

Serial No. 2

General and Revenue Secretariat

Proceedings of the Government of
His Highness the Maharaja of Mysore.

the

192

Date of issue.....

28/1/25

Signed by.....

M. S. 7

Read—

Letter No C. 252/22-24
dated 16.8.22 from the
Registrar. Chief Commr.
stating that brimnia
Witness Register No 4
may be abolished as it
serves no useful purpose
and that certain
conventional changes
are necessary in the
certain the original
statements & depositions
Order Thereon—No. ^{registers & depositions}
were brought in the
to the accompanying
agenda - et. caranda
to the several books
of Brantia prescribing
the original depositions
& statements.

May this be

- i Printed ?
- ii treated as a standing order ?
- iii published in the Gazette,
English Part ?
- iv translated ?
- v placed at the disposal of the press ?
- vi published in the Gazette,
Kannada Part ?

These type
the enclosures

22/1/25

Received

26/1/25
5:50 PM

2/1/25
9/11